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YOUR RIGHTS AS PARENTS REGARDING SPECIAL EDUCATION
SOUTH CAROLINA DEPARTMENT OF EDUCATION
(Full Explanation of Procedural Safeguards)

As a parent of a child who has been referred for special education services or who is already receiving special education benefits, you and your child have certain rights, which are protected by federal law (Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400, et. seq. (1997)) and state regulations (State Board of Regulation 43-243, Code of Laws of South Carolina, 1976). We want you to know about these rights.

NOTICE

- Right to be notified a reasonable amount of time before and to be present at all meetings before the school district initiates or changes (or refuses to initiate or change) the identification, evaluation, placement, or provision of a free appropriate public education (FAPE).
- Right to have all notices in writing, at a level understandable to the general public, in the language you speak or understand best, or other principal mode of communication, unless it is clearly not feasible to do so.
- Right to a description of the action proposed or refused by the school district, an explanation of why the action is proposed or refused, a description of options considered and an explanation of why those options were rejected.
- Right to a description of each evaluation procedure, test, record or report the school district has used as a reason for any action proposed by the school district's proposed action or reason for refusal.
- Right to a description of any other factors, which are relevant to the district's proposed action or reason for refusal.
- Right to receive notice of and be present at all individualized education program (IEP) meetings.
- Right to a notice that includes a full explanation of all the procedural safeguards or rights available to you when:
 - Your child is referred for evaluation.
 - You receive an invitation to any IEP meeting.
 - Your child is reevaluated.
 - The school district receives a request for a due process hearing.
- Right to have the notice translated orally or by other means in your native language or other mode of communication, if your native language or other mode of communication is not a written language; the right to understand the content of the notice; and the right to written evidence that these requirements have been met.
- Right to be informed that you have protection under the procedural safeguards as provided for in the Individuals with Disabilities Education Act (IDEA) and how you can receive a copy of these safeguards or rights.
- Right to be notified of sources to contact to obtain assistance in understanding the provisions of the IDEA. You may contact The School District of Greenville County Special Education Services at (864) 241-4183, or you may contact these agencies or organizations for assistance:

Pro-Parents
652 Bush River Road
Suite 218
Columbia, South Carolina 29210
Toll Free: 1-800-759-4776
Phone: (803) 772-5688 (Columbia)

South Carolina Protection & Advocacy
652 Bush River Road
Suite 218
Columbia, South Carolina 29210
Phone: (864) 235-0273 (Greenville)

RECORDS

- “Personally identifiable” means that information includes:
 - The name of the child;
 - The address of the child;
 - A personal identifier, such as the child’s social security number or student number; OR
 - A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.
- Right to inspect and review all education records with respect to:
 - The identification;
 - The evaluation;
 - The educational placement of the child; AND
 - The provision of a FAPE to the child.
- Right to receive a copy of the evaluation report and other documentation used to determine your child’s eligibility for a program of special education. You also have a right to receive a copy of the IEP for your child.
- Right to examine all records relating to your child, without unnecessary delay, after your request and before any meeting regarding an IEP or hearing and, in no case, more than 45 calendar days after the request.
- Right to have a representative appointed by you to inspect and review the records.
- Right to request that the school district provide copies of the records, if failure to provide those copies would effectively prevent you from exercising the right to inspect and review the records.
- The school district must presume you have a right to inspect and review records of your child, unless they have been provided with documentation indicating that your parental rights have been terminated by the courts.
- Right to inspect and review only the information relating to your child if any education record includes information on more than one child.
- Right to have the school district keep a record of parties obtaining access to education records collected, maintained, or used under IDEA (unless access by parents and authorized employees of the participating school district), including
 - The name of the party.
 - The date access was given.
 - The purpose for which the party is authorized to use the records.
- Right to a list, upon request, of the types and locations of education records collected, maintained, or used by the school district.
- Right to have the school district search for or retrieve information without charge.
- You may be charged a fee for copies of records, which are made for you if the fee does not effectively prevent you from exercising your right to inspect and review those records.
- Right to be informed of all types and locations of records being collected, maintained or used by the school district.
- Right to have someone at your child’s school explain or interpret any item in your child’s records.

- Right to ask for an amendment of any record, if it is inaccurate, misleading or violates the privacy or other rights of the child.
- Right to be informed of the school district's refusal to amend the record and right to a hearing if the school district refuses to make the requested amendment.
- Right to have a decision within a reasonable time after requesting that the school district amend the information.
- Right to be informed if the school district decides in a hearing that the information is inaccurate, misleading or violates your child's rights and the right to have the record amended.
- Right to be informed that you may place a statement in the record commenting on information or stating your reasons for disagreeing with the school district decision if it is decided in hearing that information need not be amended.
- Right to have your explanation maintained in the record as long as that record is maintained.
- Right to have your explanation disclosed if that record is disclosed.
- A hearing for the purposes in this section of the document must be conducted as indicated in the section of this document entitled, "Impartial Due Process Hearings," which is in accordance with the procedures included in the Family Educational Rights and Privacy Act (FERPA).

CONFIDENTIALITY OF INFORMATION

- "Participating agency" means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.
- Right to restrict access to your child's records by refusing your consent to disclose records to anyone other than officials of participating agencies collecting or using the information and having a legitimate educational interest or if the records are used for any purpose other than this.
- Right to be notified that the school district has forwarded a copy of your child's records to law enforcement, in connection with reporting a crime committed by your child.
- Right to be notified 45 calendar days before information in your child's file is destroyed. This notification must be retained permanently. You also have a right to request copies before they are destroyed.
- Right to be told to whom information has been disclosed.
- In the event a parent refuses consent for the release of records for legitimate educational interests, the school district will request mediation or a due process hearing if negotiation with the parent fails in the attempt to gain consent.
- Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
- All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures relative to confidentiality, as required by both IDEA and FERPA.
- Ongoing enforcement activities consist of approval of school district's and agency's policies and procedures regarding confidentiality and records and compliance monitoring by professional staff members of the SDE; and an investigation of alleged violations directed to the SDE by way of the complaint system. Sanctions for failure to comply with these requirements include the development of corrective action plans; provision of additional training or technical assistance, follow-up monitoring, and the withholding of federal funds to school districts/agencies not in compliance with federal and state regulations under Confidentiality and Records, as determined

by the school district's/agency's policies and procedures under IDEA, monitoring findings, or complaints received from constituents.

CONSENT

- “Consent” means that:
 - The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication.
 - The parent understands and agrees, in writing, to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom.
 - The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
 - If a parent revokes consent, that revocation is not retroactive and does not cancel an action that has occurred after the consent was given and before the consent was revoked.
- “Reasonable measures,” as used in this section means the school district will make at least two attempts, one of which must be in writing, to obtain consent for reevaluation and/or change in placement.
- Right to give your informed consent before an initial evaluation is conducted. Consent for initial evaluation may not be interpreted as consent for initial placement of your child into a program of special education. The school district/agency must complete the initial evaluation within 45 calendar days from the time you sign permission for evaluation.
- Right to give your informed consent before initial placement can be made in special education.
- Right to give your informed consent before any new test is given as part of the reevaluation under IDEA. If the school district can demonstrate, however, that it has taken reasonable measures to obtain informed consent for reevaluation and you have failed to respond, the school district may proceed with the reevaluation.
- You must understand and agree in writing to the carrying out of the activity for which your consent is being requested and you have a right to a list of records (if any) that will be released and to whom.
- Right to revoke consent at any time. If you revoke consent for placement, the school district must convene the IEP team to determine if your child may be dismissed from special education. If the decision of the IEP team is that your child should continue in a program of special education, you may request mediation or an impartial due process hearing if you disagree with the decision of the team. The school district must take any steps required to provide the child with a free appropriate public education (such as mediation or an impartial due process hearing) if, because of your revocation of consent, they are unable to provide the special education services for any reason, such as the child being prevented from receiving special education services.
- Right of the school district to use informal procedures to obtain written consent if a parent withholds or refuses consent for evaluation or initial placement. If informal procedures do not result in written parental consent, the school district must document its attempts to obtain your consent and may request a due process hearing to resolve the issue.
- Except for preplacement evaluation, reevaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child. If the school district can demonstrate, however, that it has taken reasonable measures to obtain

informed consent for reevaluation and you have failed to respond, the school district may proceed with the reevaluation.

- You will also be asked for your consent for a change for placement. If the school district can demonstrate, however, that it has taken reasonable measures to obtain informed consent for a change in placement and you have failed to respond, the school district may proceed with the change in placement. The school district must establish and implement procedures to ensure that your refusal to consent does not result in a failure to provide the child with FAPE.
- A school district may not use your refusal to consent to one service or activity under this section to deny you or your child any other service, benefit, or activity of the school district, except as noted in this section.
- Parental consent is not required before:
 - Reviewing existing data as part of an evaluation or a reevaluation.
 - Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

EVALUATION PROCEDURES

- “Evaluation” means procedures to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade or class.
- Right to have a full and individual evaluation of your child’s educational needs.
- Right to have the evaluation made by multidisciplinary team, including at least one specialist with knowledge in the area of the suspected disability.
- Right to have your child assessed in all areas related to the suspected disability.
- Right to have an evaluation of your child that will identify all of your child’s special education and related services needs.
- Right to have appropriate tests administered by qualified examiners.
- Right to have more than one measure used in determining the appropriate educational program for your child.
- Right to have the evaluation conducted in your child’s native language or mode of communication, unless clearly not feasible to do so.
- Right to have materials and procedures used to assess a child with limited English proficiency selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child’s English language skills.
- Right to have a reevaluation every three years for the purpose of determining if your child continues to be eligible for a program of special education.
- Right to have a reevaluation in less than three years if you or your child’s teacher requests it. In this instance, you have a right to a written notice from the school district/agency if they disagree that the reevaluation is needed. You would then have a right to request a due process hearing to resolve the issue.

INDEPENDENT EDUCATIONAL EVALUATION

- “Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child.
- “Public expense” means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

- If you do not agree with the evaluation provided by the school district - that is, if you don't think they gave the right tests or reached the right conclusions - you have the right to request an independent educational evaluation conducted at public expense.
- "Independent educational evaluation at public expense" means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
- Right to have the independent evaluation obtained at either public or private expense considered in meetings where placement or program decisions are made with respect to any aspect of a FAPE, and presented as evidence in a due process hearing regarding a FAPE.
- Right to be provided, upon request for an independent educational evaluation, information about where an independent evaluation may be obtained and the school district's criteria for independent educational evaluations, which must be consistent with your right to an independent educational evaluation under IDEA.
- Except for the school district's criteria, which are used when it initiates an evaluation including the location of the evaluation and the qualifications of the examiner, a school district may not impose other conditions or timelines related to obtaining an independent educational evaluation at public expense.
- If you request an independent educational evaluation at school district expense, the school district must, without unnecessary delay, either:
 - Initiate an impartial due process hearing to show that its evaluation is appropriate.
 - Ensure that an independent educational evaluation is provided at school district expense, unless the school district demonstrates in the impartial due process hearing that the evaluation obtained by the parent did not meet school district criteria.
- If the school district initiates a due process hearing and the final decision is that the school district's evaluation is appropriate, you still have the right to an independent educational evaluation but not at school district expense.
- If you request an independent educational evaluation, the school district may ask for your reasons why you object to its evaluation. Your explanation may not be required, however, and the school district may not unreasonably delay either providing the independent educational evaluation at its expense or initiating a due process hearing to defend its evaluation.
- Right to an independent evaluation at school district expense when a hearing officer during a hearing requests the evaluation.

LEAST RESTRICTIVE ENVIRONMENT

- Right to have your child educated with children without disabilities to the maximum extent appropriate.
- Right to have available a variety of placements to meet the needs of children with disabilities for special education and related services.
- Right to have your child remain in a regular education environment, unless a special class or separate school is needed. (Removing a child from a regular class environment should be done only when the nature or severity of the disability is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.)
- "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with children without disabilities to the maximum extent appropriate.
- Right to have supplementary services, such as resource room or itinerant instruction considered for your child to make it possible for him or her to remain in a regular class placement.

- A “resource room” program may be outside of the regular classroom in which children with mild disabilities are enrolled for a portion of their education program and receive direct specialized instruction. Sometimes, a resource room teacher comes to the regular classroom to provide services.
- An “itinerant program” is one where specialized instruction, instructional materials and/or equipment are provided within a regular classroom with children without disabilities.
- Right to have placement in the school your child would attend if non-disabled, unless the child’s individualized education program (IEP) requires some other arrangement.
- Right to have your child participate in non-academic and extra curricular services and activities such as meals, recess, counseling, athletics and special interest groups.

SURROGATE PARENT

- Each school district shall ensure that an individual is assigned to act as a surrogate for the parents of a child:
 - When no parent can be identified.
 - The school district, after reasonable efforts, cannot discover the whereabouts of a parent.
 - The child is a ward of the state under the laws of the state.
- The school district must have a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.
- The school district may select a surrogate parent in any way permitted under state law, but must ensure that a person selected as a surrogate is:
 - Not an employee of a school district which is involved in the education or care of the child.
 - Has no interest that conflicts with the interest of the child he or she represents.
 - Has knowledge and skills that ensure adequate representation of the child.
- An individual is not disqualified as a school district employee from appointment as a surrogate solely because he or she is paid by the school district to serve as a surrogate parent.
- A school district may select as a surrogate a person who is an employee of a nonpublic agency that only provides non-educational care for the child and who meets the other standards in this section.
- The surrogate parent may represent the child in all matters relating to the:
 - Identification;
 - Evaluation;
 - Educational placement of the child;
 - The provision of a FAPE to the child;

TRANSFER OF RIGHTS AT AGE OF MAJORITY

- When your child reaches the age of majority, (18 years of age or older), your rights under IDEA shall transfer to your child.
- The school district shall provide notice to you and to your child regarding the transfer of rights.
- The school district shall provide any notice required under the IDEA to both you and your child.
- All rights of parents under IDEA transfer to students age 18 or older who are incarcerated in an adult or juvenile, state or local correctional institution.
- If the student has been determined to be incompetent, in accordance with state laws; or if you obtain a power of attorney; or if the student signs a waiver provided by the school district/agency stating the parent will continue to be accorded all rights under

IDEA, the rights will not be transferred. The student may, however, revoke the power of attorney or the waiver at any time.

- Your child who is 18 years old or older cannot deny you the right of access to his or her records, if you provide one-half or more of his or her financial support.

PRIVATE SCHOOL PLACEMENT

- The school district is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the school district made a FAPE available to the child and the parents elected to place the child in a private school or facility.
- The school district will, however, include that child in child find efforts; including locating, identifying and evaluating all private school and religious school children with disabilities, residing in the jurisdiction of the school district.
- If a parent disagrees with the school district regarding the availability of a program appropriate for the child and/or the question of financial responsibility, the parent may request a due process hearing.
- If a child with a disability who has previously received special education and related services from the school district has been enrolled by his parents in a private school due to the parents' determining that the child is not receiving a FAPE, a court or hearing officer may require the school district to reimburse the parents for the cost of that enrollment, if the court or hearing officer finds that the school district had not made a FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate.
- A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the state standards that apply to education provided by the school district.
- The cost of any reimbursement described in the previous paragraph may be reduced or denied if:
 - At the most recent IEP meeting that the parents attended prior to removal of the child from the public school the parents failed to inform the IEP team that they were rejecting the placement proposed by the school district to provide a free appropriate public education to the child, including stating their concerns and their intent to enroll their child in a private school at public expense.
 - The parents did not, at least 10 business days (including any holidays that occur on a business day) prior to removal of a child from the public school, give the school district written notice that they were rejecting the placement proposed by the school district to provide a FAPE to the child, including stating their concerns and their intent to enroll their child in a private school at public expense.
 - Prior to the parents' removal of the child from the public school, the school district has notified the parents in writing of its intent to evaluate the child with a statement of an appropriate and reasonable purpose of such evaluation, but the parents did not make the child available for the evaluation.
 - There is a judicial finding of unreasonableness with respect to actions taken by the parents.
- Reimbursement may not be reduced or denied for failure of the parent to provide notice if :
 - The parent is illiterate and cannot write in English.

- Compliance with the notice requirements would result in physical or serious emotional harm to the child.
- The school prevented the parent from providing the notice.
- The parent had not received notice of rights, which included all of the rights regarding private schools.

MEDIATION

You have a right to participate in mediation with the school district as a way to resolve disagreements between you and the district. Mediation:

- May be used to resolve disagreements relating to:
 - Identification;
 - Evaluation;
 - Educational placement;
 - The provision of a FAPE;
- Mediation must be made available whenever a due process hearing is requested.
- Is voluntary for both parties and is at no cost to the parents.
- Shall not be used to deny or delay your right to a due process hearing, or to deny you of your other rights.
- Is conducted by a qualified an impartial mediator who has been trained by the State Department of Education (SDE) in effective mediation techniques. An individual who serves as a mediator:
 - May not be an employee of any school district or any state agency providing educational programs to students with disabilities or a state department of education that is providing direct services to the child.
 - Must not have a personal or professional conflict of interest.
 - If a mediator is not selected on a random or rotation basis from the list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services, both you and the school district must be involved in selecting the mediator and agree with the selection of the individual who will mediate.
- Shall be scheduled in a timely manner and shall be held in a location that is convenient to both you and the school district.
- Is confidential and discussions that occur during the mediation process may not be used as evidence in due process hearings or civil proceedings, and both you and the school district may be required to sign a confidentiality pledge prior to the commencement of the process.
- Any agreements reached in the mediation will be put in writing and signed by both you and the school district.
- The school district/agency, using funding provided through the State, shall bear the cost of the mediation process, including the cost of the meetings described in this section.

SYSTEM FOR INVESTIGATION OF COMPLAINTS RECEIVED FROM CONSTITUENTS RELATIVE TO A FREE APPROPRIATE PUBLIC EDUCATION

- You, another individual, or an organization has the right to submit written complaints with respect to matters relating to the:
 - Identification
 - Evaluation
 - Educational placement of your child
 - Provision of a FAPE to your child

Note: If an issue is more appropriately resolved through another avenue, the SDE will provide you with information.

- Should you as a parent, (or should an organization or other individual), have evidence that there is a violation of federal or state regulations relative to federal or state programs for children with disabilities, you may submit a signed statement that a school district has violated a requirement of IDEA or state regulation: and include the facts on which the statement is based.
- The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received.
- The complaint should be submitted to the SDE for investigation. Please submit the complaint to the following address:

Director, Office of Exceptional Children
 State Department of Education
 1429 Senate Street
 Columbia, South Carolina 29201

- Upon receipt of the complaint, the SDE will begin investigation procedures which include the following:
 - The complaint investigation shall be completed in 60 calendar days from receipt with an allowable extension of the time limit should exceptional circumstances exist with respect to a particular complaint.
 - In resolving a complaint in which it was found a failure to provide appropriate services, the SDE will address:
 - How to remediate the denial of those services, including as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child: AND
 - Appropriate future provision services for all children with disabilities.
 - An independent onsite investigation will be conducted, if necessary.
 - The complainant will be given an opportunity to submit additional information, either orally or in writing about the allegations in the complaint.
 - The SDE will review all relevant information and make an independent determination as to whether the school district is violating a requirement of federal or state regulation.

- The SDE will issue a written decision to the complainant that addresses each allegation in the complaint and contains:
- Findings of fact and conclusions;
- AND
- The reasons for the final decision.
- An extension of the 60-calendar time limit is only permissible if exceptional circumstances exist with respect to a particular complaint.
- Technical assistance activities, negotiations and corrective actions, as warranted, to achieve compliance will be undertaken by the SDE in order to ensure effective implementation of the final decision.
- If a written complaint is received that is also the subject of a due process hearing or an expedited due process hearing, or that contains multiple issues, of which one or more are part of that hearing, the state must set aside any part of the complaint that is being addressed in the due process hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described above.
- If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:
 - The hearing decision is binding; and
 - The SDE must inform the complainant to that effect
- A complaint alleging a school district's failure to implement a due process decision must be resolved by the SDE.

IMPARTIAL DUE PROCESS HEARINGS

- Right to request an impartial due process hearing with respect to any matter relating to the:
 - Identification;
 - Evaluation;
 - Educational placement ;
 - The provision of a FAPE;
 - The request from you or the attorney representing your child must include:
 - The name of the child;
 - The address where your child lives;
 - The name of the school the child is attending;
 - A description of the problem(s) you are having with the school district, including facts relating to such problems and a proposed resolution of the problem to the extent known and available to you at the time.
 - A form for this purpose may be obtained from the school district.
 - A school district may not deny or delay your right to an impartial due process hearing for failure to provide the required notice.
 - The hearing must be conducted by the school district directly responsible for the education of the child.
- You have a right to request an expedited hearing if you disagree with a determination by the school district that your child's behavior was not a manifestation of his or her disability, or with any decision regarding the suspension or expulsion of your child that results in a change in placement.

- An “expedited hearing” means that timelines will be utilized that result in a decision within 25 calendar days of the request for the hearing, unless you and the school district agree otherwise. However, in no instance may an expedited due process hearing result in a written decision being mailed to the parties more than 45 days from the school district’s receipt of the request for the hearing, without exceptions or extensions.
 - At least two business days prior to an expedited hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party’s evaluation that the party intends to use at the hearing.
 - You or the school district have the right to prohibit the introduction of any evidence at the hearing that has not been disclosed at least two business days before the hearing.
 - This timeline must be the same for hearings requested by parents or school districts. These timelines are different from the timelines established for impartial due process hearings that are not expedited.
 - The decisions on expedited due process hearings are appealable consistent with the section of the document entitled, “Appeals” and “Civil Action.”
- The school district is directly responsible for conducting the hearing.
- Right to be informed of the availability of mediation when you request an impartial due process hearing.
- Right to be told of any free or low-cost legal and other relevant services available, if you request the information, or if you or the school district initiates a due process hearing.
- Right to have the hearing conducted by a hearing officer who is not employed by a school district or public agency involved in the education or care of your child or who otherwise has a personal or professional interest that would conflict with his or her objectivity in the hearing. (The hearing officer is not an employee of the school district solely because he or she is paid by the agency to serve as a hearing officer.)
- Right to a list of the persons who serve as hearing officers, including a statement of the qualifications of each of those persons.
- Right at the hearing for you or the school district to be accompanied and advised by counsel and by individuals with special knowledge or training in problems of children with disabilities.
- Right to have your child present;
- Right to have the hearing open to the public;
- Right to have a hearing set at a time and place reasonably convenient to you and your child.
- Right for you and the school district to present evidence and confront, cross-examine ,and compel the attendance of witnesses.
- Right of parents or school district to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing.
- At least five business days prior to an impartial due process hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party’s evaluations that the party intends to use at the hearing.
 - A hearing officer may bar any party who fails to comply with this provision from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- Right of parents or parties to have a written or, at your option, electronic, verbatim record of the hearing. This must be at no cost to you.
- Right for you or the school district to obtain written, or at your option, electronic findings of fact and a written decision (at no cost to you) within 45 calendar days after the school district received the initial request for the hearing, except that the

hearing officer may grant a specific extension of time at the request of either you or the school district. A copy of the decision must be mailed to each of the parties.

- Right for you or the school district to have a final decision made by the hearing officer, but any party involved in the hearing may appeal the decision.

CHILD'S STATUS DURING PROCEEDINGS

- Right to have your child remain in his or her present education placement until completion of all hearing and appeal proceedings, unless you and the school district agree otherwise.
- If the due process hearing involves an application for initial admission to the school district, the child, with the consent of the parents, shall be placed in the school district until the completion of the hearing.
- If the decision of a hearing officer in a due process hearing conducted by a reviewing official in a state level appeal agrees with you that a change of placement is appropriate, that placement shall be treated as an agreement between you and the school district.

APPEALS

- Any party aggrieved by the findings and decision in the hearing may appeal to the SDE within 10 days of receiving the decision from the hearing officer.
- If there is an appeal, the SDE shall conduct an impartial review of the hearing.
- The official conducting the review shall:
 - Examine the entire hearing record;
 - Ensure that the procedures at the hearing were consistent with the requirements of due process.
 - Seek additional evidence if necessary.
- If a hearing is held to receive additional evidence, the hearing rights previously described apply.
- The parties shall be afforded an opportunity for oral or written argument, or both, at the discretion of the reviewing official.
- Each review involving oral arguments must be conducted at a time and place that is reasonably convenient to you and your child.
- The SDE shall ensure that a final decision is reached in an administrative review and mailed to the parties within 30 calendar days after the receipt of a request for a review, unless the reviewing official grants a specific extension at the request of either party.
- The reviewing official shall make an independent decision on completion of the review and shall give a copy of written findings and the decision to the parties.
- You have the right to a written or, at the option of the parents, electronic, verbatim record of the hearing. This must be at no cost to you.
- The SDE, after deleting any personally identifiable information, shall transmit the findings and decisions to the state advisory panel and make those findings and decisions available to the public.

CIVIL ACTION

- You have the right to bring a civil action if you disagree with the results of the state level administrative review.

- The action may be brought in any state court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.
- In any action, the court:
 - Shall receive the records of the administrative proceedings.
 - Shall hear additional evidence at the request of a party.
 - Basing its decision on the preponderance of the evidence, shall grant the relief that the court determines to be appropriate.
- Nothing in this section restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973, or other federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under section 615 of the IDEA, the proceedings under sections 300.507 and 300.510 of the implementing regulations under IDEA must be exhausted to the same extent as would be required had the action been brought under section 615 of the IDEA.

ATTORNEYS' FEES

- A state or a district court of the United States may award reasonable attorneys' fees as part of the costs to the parents of a child with disabilities who is the prevailing party in a due process hearing, or in a subsequent judicial proceeding under the IDEA.
- Fees awarded shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded, as discussed in this section.
- A parent of a child with a disability, who is a prevailing party in the due process hearing, or in a further proceeding, may bring action in federal court for attorneys' fees, within the time limit determined by law.
- Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under this section for services performed following the time of a written offer of settlement to a parent if the offer is not accepted within 10 calendar days, and the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.
- Attorneys' fees may, however, be awarded if the parent was "substantially justified" in rejecting the offer.
- Attorneys' fees may not be awarded for:
 - IEP meetings (unless the meeting is convened as a result of a due process hearing or other judicial action).
 - Mediation that is held prior to the filing of a request for a due process hearing.
 - This does not preclude the school district from using funds under the IDEA for conducting an action or proceeding under section 615 of the IDEA.
- The court may reduce attorneys' fees if:
 - The parents unreasonably prolonged the time it took to resolve the dispute;
 - The attorneys' hourly rate and time spent in the proceedings were excessive;
 - The parents or their attorneys do not provide the district with a description of their disagreement with the district and a proposed resolution prior to requesting a due process hearing.
- Attorneys' fees may not be reduced if the state or school district unreasonably delayed resolution of the dispute or violated its obligation to provide procedural safeguards.

INTERIM ALTERNATIVE EDUCATIONAL SETTING

- **Change of Placement for Disciplinary Removals:** A change of placement occurs if:
 - The removal is for more than 10 consecutive days; OR
 - The child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year; AND
There are factors such as:
 - The length of each removal.
 - The total amount of time the child is removed.
 - The proximity of the removals to one another.
- **Authority of School Personnel:** School personnel may order, to the extent of removal would be applied to children without disabilities, the removal of a child with a disability from his or her current placement for not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not result in a change of placement).
- After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the school district must provide services as follows:
 - A school district need not provide services during periods of suspension for a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.
 - In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the school district, for the remainder of the removals, must:
 - Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is:
 - Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not result in a change of placement; OR
 - For behavior that is a manifestation of the child's disability.
 - Provide services as indicated in this section regarding interim alternative educational setting, if the removal is:
 - For drug or weapons offenses.
 - Based on a hearing officer's determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement.
 - School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the child is removed under the authority of school personnel for not more than 10 consecutive school days, as long as that removal does not result in a change of placement.
 - The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance towards achieving the goals set out in the child's IEP, if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability.
- School personnel may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that

a child without a disability would be subject to discipline, but for not more than 45 calendar days if:

- The child carries a weapon to school or to a school function under the jurisdiction of a state or a school district or has a weapon in his/her possession.
- The child knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local school district.
- Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement:
 - If the school district did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in this section, the school district shall convene an IEP meeting to develop an assessment plan.
 - If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, as necessary, to address the behavior.
- As soon as practicable after developing the assessment plan and completing the assessments required by the plan, the school district shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.
- If, subsequently, a child with a disability who has been removed from his or her current educational placement for more than 10 school days in a school year is subjected to a removal that does not result in a change of placement, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.
- If one or more of the IEP team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.
- **Authority of Hearing Officer:** An impartial due process hearing officer (not employed by the school district and having the same qualifications as described in the section of the document entitled, “Impartial Due Process Hearings”) may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 calendar days if the hearing officer, in an expedited due process hearing:
 - Determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or to others. “Substantial evidence” means beyond a preponderance of the evidence.
 - Considers the appropriateness of the child’s current placement.
 - Considers whether the school district has made reasonable effort to minimize the risk of harm in the child’s current placement, including the use of supplementary aids and services.
 - Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the child’s special education teacher meets the requirements under Determination of Setting below.
- **Determination of Setting:** The interim alternative educational setting must be determined by the IEP team.
- Any interim alternative educational setting in which a child is placed under this section must:
 - Be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child’s current IEP, that will enable the child to meet the goals set out in the IEP.
 - Include services and modifications designed to address the behavior in an effort to prevent the behavior from recurring.

- **Manifestation Determination Review:** If a disciplinary action is contemplated regarding behavior described in this section or involving a removal that results in a change of placement for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to all children:
 - Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the listing of parental rights (a full explanation of all procedural safeguards).
 - Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take the action is made, a review of the relationship between the child's disability and the behavior subject to the disciplinary action.
- The manifestation determination review must be conducted by the IEP Team and other qualified personnel in a meeting.
- In carrying out a review, the IEP Team and other qualified personnel may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team and other qualified personnel:
 - First considers all relevant information including :
 - Evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child.
 - Observations of the child.
 - The child's IEP and placement.
 - Then determines that in relationship to the behavior subject to disciplinary action:
 - The child's IEP and placement were appropriate.
 - The special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement.
 - The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action.
 - The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.
- If the IEP team and other qualified personnel determine that any of these standards were not met, the behavior must be considered a manifestation of the child's disability.
- This meeting may be conducted at the same IEP meeting that is convened to discuss the functional behavioral assessment and the behavioral intervention plan.
- **Determination That Behavior Was Not A Manifestation of Disability:** If the result of the review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities except as provided in this section.
- If the school district initiates disciplinary procedures applicable to all children, the school district shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
- **Parent Appeal:** If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.
- The school district shall arrange for an expedited hearing in any case involving a change in placement during suspensions or expulsions if a parent requests a hearing.
- In reviewing a decision, the hearing officer shall determine whether the school district has demonstrated that the child's behavior was not a manifestation of the child's disability.

- In reviewing a decision to place the child in an interim alternative educational setting, the hearing officer shall apply the standards under Authority of Hearing Officer in this section.
- **Placement During Appeals:** If a parent requests a hearing or an appeal regarding a disciplinary action to challenge the interim alternative educational setting or the manifestation determination:
 - The child must remain in the interim alternative educational setting:
 - Pending the decision of the hearing officer or until the expiration of the time periods specified in this section (the same amount of time that a child without a disability would be subject to discipline), but for not more than 45 calendar days in cases of weapons or drugs, or for not more than 45 calendar days if the hearing officer in an expedited due process hearing orders a change of placement for the student because of dangerousness to self or others, whichever comes first.
 - If a child is placed in an interim alternative educational setting for weapons, drugs or dangerousness to self or others and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except in the following instance:
 - If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings, the school district may request an expedited due process hearing.
- In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the same standards as reflected in this section under Authority of Hearing Officer. A placement may not be longer than 45 calendar days. This procedure may be repeated, as necessary.

Note: No student, including a student with a disability, may be suspended without educational services for more than ten consecutive days or a total of 30 school days within one school year.

PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

- A child who has not been determined to be eligible for special education and related services under IDEA and who has engaged in behavior that violated any rule or code of conduct of the school district, including any behavior described in the previous section of this document, may assert any of the protections provided for in this document, if the school district had knowledge, (as determined below), that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
- A school district must be deemed to have knowledge that a child is a child with a disability if:
 - The parent of the child has expressed concern in writing (or orally if the parent does not know to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the child is in need of special education and related services.
 - The behavior or performance of the child demonstrates the need for these services in accordance with the definition of "child with disability".
 - The parent of the child has requested an evaluation of the child.

- The teacher of the child, or other personnel of the school district, has expressed concern about the behavior or performance of the child to the direction of special education of the agency or to other personnel in accordance with the school district's established child find or special education referral system.
- A school district would not be deemed to have knowledge under this section if , as a result of receiving the information noted in the previous paragraph, the school district:
 - Either conducted an evaluation under IDEA and determined that the child was not a child with a disability; OR
 - Determined that an evaluation was not necessary; AND
 - Provided notice to the child's parents of its determination.
- If a school district does not have knowledge that a child is a child with a disability, in accordance with the above, prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as applied to children without disabilities who engaged in comparable behaviors consistent with the following:
 - If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, as described above, the evaluation must be conducted in an expedited manner. An "expedited evaluation" means that timelines will be utilized that result in completion of the evaluation within 25 calendar days of the request for the evaluation.
 - Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

CHARTER SCHOOLS

Parents of students with disabilities enrolled in charter schools must be accorded the same rights as parents with disabilities enrolled in any other school in the school district.

AVAILABILITY OF LEGAL SERVICES

The following is a list of agencies that provide free/low cost legal services:

South Carolina Protection & Advocacy
 System For People with Disabilities, Inc.
 Suite 101-A Chick Springs Road
 Greenville, SC 29609
 Phone: (803) 235-0273 (Greenville)

Legal Services Agency of Western Carolina, Inc.
 1 Pendleton Street
 Greenville, South Carolina 29601
 Phone: (864) 679-3232

DEVELOPMENTAL EVALUATION

The following tests will be administered by one of the following: early childhood teacher, special education teacher, speech-language clinician, school psychologist, physical therapist, occupational therapist, or other properly certificated school

personnel. For the developmental assessment to be considered comprehensive, the following areas are assessed:

- (1) Cognition. Examples in this area include recognizing and searching for familiar objects (object permanence), understanding cause and effect, imitating skills, matching objects and pictures, classifying objects, and understanding of numbers, (one to one correspondence).
- (2) Communication.
 - a) Receptive - Examples in this area include understanding simple gestures, signs, or words referring to familiar objects; following one or two step directions; and responding to own name.
 - b) Expressive - Examples in this area include indicating wants or needs through gestures, signs or words; naming familiar objects; using gestures, signs, or words to describe objects or events; and relating to own experiences.
- (3) Social Examples in this area includes responding and/or initiating interactions and activities with adults, responding and/or initiating interactions and activities with peers, and engaging in solitary, parallel or cooperative play.
- (4) Motor.
 - a) Gross Motor - Examples in this area include postural control, crawling, walking, and climbing stairs.
 - b) Fine Motor - Examples in this area include reaching and grasping an object, cutting with scissors, writing skills, turning pages of a book.
 - c) Self Help - Examples in this area include dressing/undressing, toileting, and feeding.

The developmental test(s) to be given include the following:

- _____ **Battelle Developmental Inventory** - measures skills for children ages birth-8 years.
- _____ **Brigance Inventory of Early Developmental Inventory** - measures skills for children ages birth-7 years.
- _____ **The Callier Azusa Scale** - measures skills for children ages birth-5 years for children with deaf and blindness or multi-disabilities.
- _____ **Carolina Curriculum for Handicapped Infants and Infants At-Risk** - allows documentation of basic skills related to sensory processing and motor skills normally developing before two years of age.
- _____ **Carolina Curriculum for Infants and Toddlers with Special Needs** - measures sensorimotor skill development from 0 to 3 years of age.

- _____ **Carolina Curriculum for Preschoolers with Special Needs** - measures developmental skills between 2 and 5 years of age.
- _____ **DASI-II Developmental Activities Screening Inventory** - measures skills for children ages birth-5 years.
- _____ **The Early Learning Accomplishment Profile For Developmentally Young Children** - measures skills for children ages birth-5 years.
- _____ **Help for Special Preschoolers** - measures skills for children ages 3-6.
- _____ **Help Checklist (Hawaii Early Learning Profile)** - measures skills for children ages birth-3 years.
- _____ **Miller Assessment for Preschoolers** - assesses behavioral, motor, and cognitive skills from 2 years 9 months to 5 years 8 months.
- _____ **Peabody Developmental Motor Scales** - measures motor skills from birth to 7 years. May test gross and fine motor skills separately.
- _____ **The Oregon Project for Visually Impaired and Blind Preschool Children** - measures skills for children age birth-5 years for children with visual disabilities.
- _____ **The Reynell-Zinkin Scales: Developmental Scales for Young Visually Handicapped Children** - measures skills for children ages birth-5 years for children with visual disabilities.
- _____ **Other Test/Descriptions:** _____

PSYCHO/EDUCATIONAL EVALUATION

The following tests will be administered by one or more of the following: classroom teacher, teacher of special education, guidance counselor, or school psychologist, all certificated by the State Department of Education.

- _____ **Achenbach Teacher's Report Form** - This is a rating scale designed to yield information relative to behavioral adjustment.
- _____ **Adaptive Behavior Scale AAMD**
- _____ **Analytical/Reading Inventory** - This measures reading recognition and comprehension.

- _____ **Attention Deficit Disorder Evaluation Scale, Home and School Version** - This is an instrument utilized to assist in determining the presence of attention limitations, impulsive tendencies, and hyperactive tendencies that may help in a medical diagnosis of ADD/ADHD.

- _____ **Battelle Developmental Inventory** - This measures development in five areas: personal-social, adaptive, motor, communication, and cognitive.

- _____ **Bayley Scales of Infant Development** - Second Edition --designed to measure developmental progress related particularly to sensory motor skills, language acquisition, and cognitive skills.

- _____ **Behavior Assessment System for Children (BASC)** - an integrated system designed to facilitate the differential diagnosis and classification of emotional and behavioral disorders in children and to aid in the design of treatment plans.

- _____ **Behavior Evaluation Scale-2 (BES-2)** A measure of significant behaviors which may be interfering with successful school adjustment.

- _____ **Behavior Rating Profile** - A measure of significant behaviors which may be interfering with successful school adjustment.

- _____ **Bender Visual-Motor Gestalt Test** - A measure of student's ability to copy a series of designs – May also be used to assess emotional indicators.

- _____ **Bracken Basic Concept Scale-Revised (BBCS-R)** – A measure of basic concept development for ages 2.6 through 8 years.

- _____ **Burks' Behavior Rating Scale** A measure of significant behaviors which may be interfering with successful school adjustment.

- _____ **Carolina Developmental Profile** - This is a criterion-referenced checklist of skills expected of children aged 2 to 5 years.

- _____ **Child Behavior Checklist (Achenbach)** - A measure of significant behaviors which may be interfering with successful school adjustment.

- _____ **Children's Apperception Test** - The (CAT) is a children's personality measure.

- _____ **Children's Depression Inventory (CDI)** – A measure of depressive symptomology which may be interfering with successful school adjustment.

- _____ **Children's Personality Inventory** –The CPI is an assessment that is used in predicting and evaluating children's behavior.

- _____ **Columbia Mental Maturity Scale** - The (CMMS) is a nonverbal measure of children's reasoning ability.

- _____ **Comprehensive Receptive and Expressive Vocabulary Test (CREVT)** –a measure of vocabulary development in receptive and expressive domains.
- _____ **Comprehensive Test of Nonverbal Intelligence (CTONI-II)** - A measure of cognitive ability designed to assess intellectual skills that exist independent of language
- _____ **Detroit Tests of Learning Aptitude: 4th Edition (DTLA-4)** is a measure used to determine individual strengths and weaknesses for children ages 6 to 17 yrs.
- _____ **Developmental Activities Screening Inventory II (DASI II)** -is designed to assessment of nonverbal development.
- _____ **Developmental Profile II** - The Development II Profile is an inventory of skills used to assess a child's development from birth to preadolescence.
- _____ **Developmental Test of Visual-Motor Integration (VMI)**- A measure of a student's ability to copy shapes and designs.
- _____ **Diagnostic Achievement Battery-2** - The (DAB-2) measures achievement in the areas of listening, speaking, reading, writing, and mathematics.
- _____ **Differential Ability Scales (DAS)** – A measure of overall cognitive ability and specific abilities for children ages 2.6 to 17.11 years.
- _____ **Draw-A-Person - (DAP)**- Is a measure which provides a range of intellectual maturity by requiring the student to utilize revisualization and perceptual-motor skills.
- _____ **Draw-A-Person: Screening Procedure for Emotional Disturbance (DAP:SPED)** - The DAP:SPED was developed for use as a screening measure to help identify children and adolescents who may have emotional and related behavioral problems.
- _____ **Expressive One-Word Picture Vocabulary Test (EOWPVT)** is a measure of single-word picture labeling.
- _____ **House-Tree-Person/Human Figure Drawing/Kinetic Family Drawing**-These are measures of social-emotional-behavioral adjustment.
- _____ **Kaufman Assessment Battery for Children (KABC)** -A measure of intelligence and levels of achievement for students ages 2 to 12 years.
- _____ **Kaufman Brief Intelligence Test (KBIT)**- A measure used to screen verbal and nonverbal intelligence.
- _____ **Kaufman Survey of Early Academic and Language Skills (KSEALS)** – A measure of early readiness skills and vocabulary development.
- _____ **Kaufman Test of Educational Achievement - (KTEA)** A measure of reading, mathematics, and spelling skills.

- _____ **KeyMath Diagnostic Arithmetic Test –Revised** The KeyMath-R assesses three basic areas of mathematics; content, operations, and applications.
- _____ **Leiter International Performance Scale-Revised (LIPS-R)**
Leiter is a non-verbal measure of intelligence.
- _____ **McCarthy Scale of Children's Abilities** - The McCarthy provides a measure of general intellectual level for children ages 2-6 to 8-6
- _____ **The Oral and Written Language Scales (OWLS)** measures areas of listening comprehension, oral expression, and written expression.
- _____ **Peabody Individual Achievement Test - Revised - The (PIAT-R)** measures a student's achievement in the areas of word recognition, reading comprehension, spelling, mathematics, and general information.
- _____ **Peabody Picture Vocabulary Test- III (PPVT -III)** - The PPVT-III is a measure of receptive vocabulary.
- _____ **Pictorial Test of Intelligence** - The PTI assesses intelligence of children between the ages of 3 and 8 years. There are six subtests: Picture Vocabulary, Form Discrimination, Information and Comprehension, Similarities, Size and Number, and Immediate Recall.
- _____ **Piers Harris Self-Concept Scale** - A measure of self perceptions which may be interfering with successful school adjustment.
- _____ **Receptive One Word Picture Vocabulary Test (ROWPVT)** - a measure of single word receptive vocabulary.
- _____ **Revised Children's Manifest Anxiety Scale (RCMAS)** - a measure of anxiety related behaviors which may be interfering with successful school _
- _____ **Reynolds Adolescent Depression Scale (RADS)** - A measure of depressive symptomology which may be interfering with successful school adjustment.
- _____ **Reynolds Child Depression Scale (RCDS)** –A measure of depressive symptomology which may be interfering with successful school adjustment.
- _____ **Roberts Apperception Test for Children (RATC)** - The RATC is a projective measure which uses pictures to explore the child's reaction to family and peer relationships.
- _____ **Screening Children for Related Educational Needs (SCREEN)** - The SCREEN measures early academic achievement in the areas of language, reading, writing, and math.

- _____ **Sentence Completion** - This instrument is available in varied forms for different age groups. Forms contain items which elicit interests, attitudes, values, fears, and so forth.

- _____ **Slosson Intelligence Test (SIT)** - The SIT is an individual screening instrument of general intellectual abilities.

- _____ **Stanford-Binet Intelligence Scale** - The S-B, Fourth Edition, is a battery of 15 subtests that covers an age range of 2 through 23 years. A three level model of cognitive ability was utilized in developing this measure of intelligence. In addition to a Composite Score, standard age scores (SAS) are also available for the following areas: verbal reasoning, abstract/visual reasoning, quantitative reasoning, and short-term memory.

- _____ **Test of Adolescent Language (TOAL-2)**-A measure of receptive and expressive language activities of adolescents.

- _____ **Test of Language Development (TOLD-2)** - Is designed to identify specific receptive and expressive language skills of children. (Primary, intermediate)

- _____ **Test of Nonverbal Intelligence-3 (TONI-3)** – A measure of intellectual development and reasoning in the nonverbal domain.

- _____ **Test of Written Language-3 (TOWL)** Provides a measure of a student's strengths and weaknesses in written expression.

- _____ **Thematic/Children's Apperception Test** - The TAT/CAT are projective measures which explore a person's reactions to people, groups, and social situations by the use of pictures.

- _____ **Universal Nonverbal Intelligence Test (UNIT)** - A measure of intellectual development and reasoning in the nonverbal domain for ages 5 through 17.

- _____ **Vineland Adaptive Behavior Scales** - This instrument is designed to measure successive stages of social competence and/or adaptive behavior for ages birth-18 years.

- _____ **Wechsler Adult Intelligence Scale -III (WAIS-III)** - A measure of global intelligence for use with persons ages 16 through adulthood. The eleven subtests are grouped into Verbal and Performance sections.

- _____ **Wechsler Individual Achievement Test (WIAT)** - The WIAT measures academic achievement in the areas of reading, mathematics, written language, oral expression, and listening comprehensive for children ages 5-0 to 19-11.

- _____ **Wechsler Intelligence Scale for Children, 3rd ed. (WISC-III)** - The WISC-III is a basic individual examination with verbal and performance tests to assess child's capacity to understand and cope with the cognitive demands of his or her environment. Covering the age range from 6-0 to 16-11 years, the WISC-III contains 12 subjects organized into Verbal and Performance Scales, which reflect the

principal ways in which human abilities are expressed. The Verbal Scales measure the child's understanding of verbal concepts and his or her ability to respond orally. The Performance Scales measure the child's ability to solve problems requiring visual-spatial reasoning, the manipulation of objects or other manual responses.

_____ **Wechsler Preschool and Primary Scale of Intelligence-Revised (WPPSI-R)** - The WPPSI was developed as a downward extension of the WISC and was designed to measure a child's global intellectual ability on verbal and performance tasks. For use with children ages 3-0 to 7-3, the WPPSI follows the basic format of the other Wechsler Scales, providing Verbal, Performance, and Full Scale Scores.

_____ **Wepman Auditory Discrimination Test** - This instrument measures the ability of a child to accurately discriminate between the sounds in spoken language.

_____ **Wide Range Assessment of Memory and Learning (WRAML)** - Assesses processing skills which impact academic performance.

_____ **Wide Range Achievement Test-3 (WRAT 3)** - The Wrat-3 is a screening instrument utilized to measure achievement in the areas of reading recognition, spelling, and arithmetic.

_____ **Woodcock-Johnson Psycho-Educational Battery - III (WJ-III)** Woodcock-Johnson-R is a comprehensive assessment tool which integrates tests of cognitive ability, scholastic aptitude, academic achievement, and interest level.

_____ **Woodcock Reading Mastery Tests - Revised (WRMT-R)** The Woodcock provides a measure of individual reading achievement.

_____ **Other Test/Descriptions:** _____

HEARING EVALUATION

_____ **Hearing Screening** - A pure tone air conduction "sweep-check" test is administered by a nurse, speech-language clinician, teacher of students with hearing disabilities, or audiologist using an audiometer to indicate whether a hearing loss may exist.

_____ **Impedance Screening** - This procedure is administered by a nurse, speech-language clinician, teacher of student with hearing disabilities or audiologist, and provides a graphic representation of the mobility of the eardrum.

_____ **Audiological Evaluation and/or Otological Evaluation** - The audiological evaluation will be administered by an audiologist, and typically includes speech reception threshold and speech discrimination

testing, pure tone air and pure tone bone conduction threshold testing, and other audiometric tests deemed appropriate by the audiologist to determine the type, nature, and degree of a hearing impairment. The otological evaluation will be conducted by an otolaryngologist to determine the possible presence of ear disease.

_____ **Hearing Aid Evaluation** - This evaluation will determine the need for and benefits of auditory amplification through the use of a hearing aid, auditory trainer, or other assistive listening device.

_____ Your child will be administered an individual measure(s) of achievement (See indicated instrument(s) under Psychoeducational Instruments.) and/or there will be a review of current and past educational information, teacher conference, student observation, and any additional educational testing determined to be appropriate by the evaluator.

_____ **Other Test/Descriptions:** _____

VISION EVALUATION

The following tests will be administered by one or more of the following: vision teacher, orientation and mobility specialist, classroom teacher, psychologist/evaluator certificated by the State Department of Education; optometrist, ophthalmologist or school nurse.

- _____ Examination by an Optometrist or an Ophthalmologist
- _____ **Snellen Measure of Central Visual Acuity** - This screening procedure, administered by either a school nurse or trained volunteer, tests the threshold of discrimination; the smallest letters or symbols can be seen at a specified viewing distance.
- _____ Your child will be administered an individual measure(s) of achievement. See indicated instrument(s) under Psychoeducational Instruments.
- _____ **Functional Vision Assessment** - This assessment is used to determine appropriate methods and materials to be used with the student.
- _____ **Preschool Orientation and Mobility Screening** - This screening identifies the following: (a) areas for further assessment; (b) current level of functioning in basic orientation and mobility tasks; (c) basic programming needs in orientation and mobility; and (d) need for services.
- _____ **South Carolina Assessment for Determining Appropriate Literacy Media and for Evaluating Braille Skills** - This assessment is used to determine appropriate literacy media.
- _____ **Other:** _____

ORTHOPEDIC EVALUATION

The following tests will be administered by one or more of the following: orthopedic teacher and/or classroom teacher, physician and/or school nurse, physical therapist and/or occupational therapist, psychologist/evaluator certified by the State Department of Education, or PE teacher certificated by the State Department of Education.

- _____ Examination by Physician
- _____ **Judgmental Statement** - need for placement based on verifying observation of overt motor functioning.
- _____ Your child will be administered an individual measure(s) of achievement. - See indicated instrument(s) under Psychoeducational Instruments.

_____ **Developmental Checklist** - Reveals information concerning the child's suspected category of disability. It may also yield information about the child's classroom performance and/or developmental progress.

_____ **Functional Evaluations** - Assess child's level of independence in maneuvering in the school environment.

_____ **Other:** _____

_____ **Mobility** - Assesses the child's ability to walk or use a wheelchair, including the ability to get in and out of chairs and special equipment.

_____ **Manual Muscle Testing** -Determines the strength of all or certain muscles in the child's body.

_____ **Peabody Developmental Motor Scales** -Measures the age level of fine and gross motor functions.

_____ **Range of Motion** - A measure of how well the neck, trunk, arms and legs move.

_____ Review of relevant medical information, student observation, teacher conference if applicable, and any additional educationally appropriate testing determined to be appropriate by the evaluator.

_____ **Visual Perceptual/Perceptual Motor Test** - Any one of several tests that measures visual-perceptual ability or perceptual-motor ability. (List)

_____ **Other:** _____

SPEECH-LANGUAGE EVALUATION

Each child who receives a speech-language evaluation is tested individually by a speech-language clinician.

_____ **Oral Peripheral Examination** - A brief examination of the appearance and function of the lips, teeth, tongue, palate, etc. conducted through one of the following methods:

- _____ Observation by the Speech-Language Clinician
- _____ Dworkin-Culatta Oral Mechanism Examination
- _____ Tongue Thrust: A Diagnostic and Treatment Program -

evaluates the oral peripheral mechanism and swallowing pattern

_____ **Other Test/Descriptions:** _____

_____ **Other Test/Descriptions:** _____

_____ **Hearing Screening** - Pure tone aid conduction testing is administered using an audiometer.

_____ **Articulation Measure** - These instruments are measures of your child's ability to produce speech sounds correctly through naming pictures, reading, and conversation as appropriate to the age level of the child and may include the following:

- _____ ALPHA
- _____ Arizona Articulation Proficiency Scale (AAPS)
- _____ Assessment of Phonological Processes
- _____ Clinical Probe of Articulation Consistency
- _____ Criteria-Referenced Articulation Profile
- _____ Deep Test of Articulation (McDonald)
- _____ Developmental Approach to Successful Listening
- _____ Fisher-Logeman Test of Articulation
- _____ Goldman-Fristoe Test of Articulation
- _____ Khan-Lewis Phonological Analysis (Phonetic Inventory)
- _____ Ling Phonetic Speech Evaluation
- _____ Ling Phonological Speech Evaluation
- _____ Photo Articulation Test
- _____ Rhode Island Test of Language
- _____ Speech Intelligibility Evaluation
- _____ Speech Intelligibility Test (C.I.D.)
- _____ Articulation Structured Photographic Articulation Test
- _____ Templin-Darley Test of Articulation
- _____ The Assessment of Phonological Processes
- _____ Weiss Comprehensive Test of Articulation
- _____ Weiss Intelligibility Test

_____ **Other Test/Descriptions:** _____

_____ **Other Test/Descriptions:** _____

_____ **Voice Measure** - Consisting of observation of your child's pitch, intensity (loudness), quality (frequent hoarseness, raspiness etc.), and resonance (excessive nasal or denasal speech). The voice test(s) to be given include the following:

- _____ Informal Rating Scale
- _____ Observation by the speech-language clinician
- _____ Symptomatic Voice Therapy
- _____ The Boone Voice Program For Children-Revised
- _____ Voice Disorders (Wilson)
- _____ Voice Worksheet from the South Carolina Severity Rating Scales

_____ **Other Test/Descriptions:** _____

_____ **Language Proficiency Measure** - A language test measures one or more of the following areas:

- (1) Comprehension. Included in this area are such skills as recognizing and understanding vocabulary and basic concepts, following directions, and understanding grammatical and word order relationships.
- (2) Expression. Included in this area are such skills as asking questions, giving directions, making comments, relating experiences, answering questions, making gestures, using appropriate vocabulary, and using correct grammatical structures and word order relationships.
- (3) Auditory Skills. Included in this area are skills such as memory, sound discrimination, sound-symbol association as they may be related to the child's ability to recall and reproduce language.

- (4) Interpersonal Skills. Included in this skill are appropriate skills in social situations. Examples are: “taking turns” in conversation, using questions to gain information, responding appropriately to questions, and providing sufficient information for the listener.

The language test(s) to be given include the following:

- _____ **Analysis of the Language of Learning (A.L.L.)** - accesses the metalinguistic areas of defining, recognizing, generating words, and segmenting words.
- _____ **Assessing Semantic Skills (ASSEST)** provides age equivalences, percentile rank's for expressive and receptive language skills.
- _____ **Assessment of Children’s Language Comprehension (ACLC)** - defines receptive language difficulties in young children.
- _____ **Bangs Receptive Vocabulary Checklist for Preschool and Kindergarten Children** - evaluates words and phrases for children ages 3-0 through 7-0.
- _____ **Bankson Language Screening Test** - measures comprehension, expression and auditory skill in children ages 4 to 8 years.
- _____ **Boehm Test of Basic Concepts-Revised and Boehm-Preschool** - measures student's comprehension of 50 concepts (e.g. big/little, above/below).
- _____ **Bracken Basic Concept Scales (BBSC)** - measures basic concepts of language such as color, quantity, comparison, and shape.
- _____ **Carolina Picture Vocabulary Test** – measures receptive skills. It is specifically designed to offer to hearing impaired children test findings common to the Peabody Picture Vocabulary Test.; receptive skills.
- _____ **Carrow Elicited Language Inventory** - measures a student's ability in the production and use of language.
- _____ **Clinical Evaluation of Language Fundamentals R(CELF-R)** - a diagnoses language skills deficits in school-age children.
- _____ **Communicative Competence Evaluation** - measures the student's ability in language processing, metalinguistic skills and functional use of language.
- _____ **CELF-Preschool** - diagnoses language skill deficits.
- _____ **Detroit Tests of Learning Aptitude - P** - measures skills in the areas of oral directions, digit sequences, letter sequences, motor direction, and others.

- _____ **Detroit Tests of Learning Aptitude - 2** - provides a series of language subtests to measure vocabulary, everyday facts, order recall and others.

- _____ **Evaluating Acquired Skill in Communication (EASIC)** - evaluates communication skills from the pre-language level to more complex utterances for children ages 3 months through 8 years.

- _____ **Evaluating Communicative Competence** - evaluates overall communication skills for children ages 9-0 through 17-0.

- _____ **Expressive and Receptive One Word Picture Vocabulary Test-Revised** - measures the student's ability to use concepts and categories of vocabulary for children ages 2-0 through 11-11.

- _____ **Expressive and Receptive One Word Picture Vocabulary Tests: Upper Extensions** - measures the student's ability to use concepts and categories of vocabulary for children ages 12-0 through 15-0.

- _____ **Goldman-Fristoe-Woodcock Test of Auditory Discrimination Part 1** - evaluates older children and adults' ability to discriminate between various sounds and words.

- _____ **Goldman-Fristoe-Woodcock Test of Auditory Discrimination Part 2&3** - evaluates older children and adults' ability to discriminate between various sounds and words.

- _____ **GFW Auditory Memory Test** – assesses auditory skills through the use of a memory test.

- _____ **GFW Selective Attention Test** - provides a controlled audio sample to allow discrimination between pure tones and typical background noise.

- _____ **GFW Sound Symbol-Test** - provides a controlled audio sample to assess sound mimicry, sound recognition and sound analysis.

- _____ **Grammatical Analysis of Elicited Language** – measures student's ability to analyze skills and deficits in both oral and written form of grammar.

- _____ **Multi-Level Informal Language Inventory** - an instrument used to analyze language samples from conversational level speech.

- _____ **Language ProceSSION Test (LPT)** - assess a wide range usage of the English Language.

- _____ **Peabody Picture Vocabulary Test-Revised** - assesses the student's comprehension of single word picture vocabulary.

- _____ **Phonetic Inventory (C.I.D.)** - specifically designed to assess the phonetic production of English sounds used in conversation by students with hearing impairments.

- _____ **Pragmatics Checklist** – provides for observation of social use of language.
- _____ **Preschool Language Assessment Instrument (PLAI)** - measures the child's ability to follow directions, solve problems, define words, and more.
- _____ **Preschool Language Scale** – offers a wide-range language score for young children in a composite of widely known language tests.
- _____ **Preschool Language Scale-3** - measures syntax skills to assist in program planning for a population of hearing impaired students.
- _____ **Quigley Test of Syntactic Abilities** - population-Hearing Impaired; a measure of syntax skills to assist in program planning.
- _____ **Receptive One-Word Picture Vocabulary Test** - measures critical vocabulary skill level by presenting single words to the student.
- _____ **Receptive-Expressive Emergent Language Test-2nd. Edition (REEL-2)** - assesses at-risk toddlers and their emergent language skills.
- _____ **SCAN** – a screening test for auditory processing disorder measures the student's ability to listen and appropriately respond on a primary level.
- _____ **Selective Auditory Attention Test (SAAT)** - identifies poor auditory attention in children from 4.5 to 9 years.
- _____ **Sequenced Inventory of Communication Development-Revised (SICD-R)** - evaluates communication skills of children ages 4 months through 4 years.
- _____ **Slosson Articulation Language Test with Phonology** – measures the phonological processing being used by an individual.
- _____ **SPELT-P/SPELT-2** - measures syntactic structures of preschoolers and elementary age children.
- _____ **Spontaneous Language Sample** - provides observation and analysis of spontaneous communication.
- _____ **Structured Photographic Expressive Language II** - measures of a student's ability to express himself via structured visual clues.
- _____ **Test of Adolescent Language-2** - measures comprehension and expression of oral and written communication.
- _____ **Test for Auditory Comprehension of Language-Revised** - measures the student's comprehension of word classes, relations, grammar and sentence structure.
- _____ **Test of Auditory-Perceptual Skills (TAPS)** - measures the auditory-perceptual skills of processing, sequential memory,

interpretation of oral directions, discrimination, and word memory for children ages 4 through 13.

_____ **Test of Auditory Processing** - assesses a child's skill in the processing of sounds and syllables needed for efficient learning.

_____ **Test of Early Language Development (TELD)** – evaluates with an individually administered the of spoken language abilities in children ages 2 to 8 years.

_____ **Test for Examining Expressive Morphology (TEEM)** - measures sounds in the speech of children to determine needs in therapy.

_____ **Test of Language Competence (TLC)** - a norm-referenced measure of awareness and use of language as a tool.

_____ **Test of Language Development (TOLD-I)** - assesses the understanding and meaningful use of spoken words, grammar, and word pronunciation.

_____ **Test of Language Development-2-Intermediate** - measures comprehension, expression and auditory discrimination skills.

_____ **Test of Language Development-2-Primary** - measures comprehension, expression and auditory discrimination skills.

_____ **Test of Pragmatic Skills** - measures use of languages to reason, norms, and label.

_____ **Test of Problem Solving** - measures the student's ability to use language in problem solving tasks.

_____ **Test of Word Finding** - evaluates the student's ability to understand and use words in various social and educational settings.

_____ **The Nonspeech Test** - assesses expressive and receptive vocabulary with non-verbal methods such as signing and gesturing.

_____ **The Rossetti Infant-Toddler - Scale** - measures of communication and interaction.

_____ **The Word Test** – assesses expressive vocabulary and semantics.

_____ **Utah Test of Language Development-R** - measures language age in respect to national norms.

_____ **Utley Speech Reading Test** - aids the therapist with initial goals for therapy--using common phrases.

_____ **Wichita Auditory Processing Test** – assesses the students' ability to listen to commands and verbal concepts and responds appropriately.

_____ **Other Test/Descriptions:** _____

_____ **Other Test/Descriptions:** _____

_____ **Other Test/Descriptions:** _____

_____ **Fluency Measure** - evaluates rhythm, rate and fluency of conversational speech through one of the following measures:

- _____ Fluency Worksheet from the South Carolina Severity Rating Scales
- _____ Observation by the speech-language clinician
- _____ Monterey Fluency Interview
- _____ Personalized Fluency Control
- _____ Precision Fluency Shaping (Webster)
- _____ Stuttering Interview (Ryan)
- _____ Stuttering Prediction Instrument (for ages 3 to 8 years)
- _____ Stuttering Severity Instrument for Children and Adults
- _____ Stuttering Severity Instrument (Riley)
- _____ Systematic Fluency Training for Young Children (SHINE)
- _____ The Stocker Probe

_____ **Other Test/Descriptions:** _____

_____ **Other Test/Descriptions:** _____

The School District of Greenville County does not discriminate on the basis of age, race, sex, color, handicap, religion or national origin in its dealings with employees, students, the general public, applicants for employment, educational programs, activities, or access to its facilities.

CONCLUSION

As parents of a child with a disability, you and your child have many rights; and with these rights, there are certain responsibilities. The school system is responsible for safeguarding your rights. You, in turn, should attempt to keep the school system informed of things that affect your child's education. You also are urged to assist the school by attending Individualized Education Program conferences and by keeping the lines of communication open at all times. When you have concerns about your child's education, it is important to tell your child's teacher, school principal, coordinator of special education, or other school administrators. You may contact the South Carolina Department of Education, Office of Programs for Exceptional Children, at (803) 734-8210. If you need further assistance, there are advocacy and/or parent groups from whom you may obtain help. You may call Protection and Advocacy for Individuals with Disabilities in Columbia at (803) 782-0639/1-800-922-5225; in Greenville at (864) 235-0273/1-800-758-5212; in Florence at (803) 662-0752/1-800-686-0752; or in Charleston at (803) 763-8571/1-800-743-2553. You may also call Pro-Parents in Columbia at (803) 772-5688/1-800-759-4776.

If you would like a further explanation of any of these rights, you may contact Special Education Services at (864) 241-4183 or the South Carolina Department of Education, Office of Programs for Exceptional Children, 1429 Senate Street, Columbia, SC 29201 at (803) 734-8210.

Special Education Services
205 Arcadia Drive
Greenville, SC 29609

Fax (864) 241-3371

GLOSSARY OF KEY TERMS

ALTERNATIVE EDUCATION SETTINGS -- Any setting where a student can be educated. Can include regular classroom, special classrooms, special schools, home instruction, instruction in hospitals and institutions. The setting needs to be as close to the home as possible.

BEHAVIOR INTERVENTION PLAN -- Strategies, interventions with rewards and consequences for identified problem behaviors that will be implemented at home and at school.

CONFIDENTIALITY OF INFORMATION -- With the exception of certain individuals (school officials, for example, and teachers with legitimate educational interests), no one may see your child's records unless you give your written permission.

CONSENT -- You must give your written consent before a multifaceted evaluation is conducted and before your child is placed into/out of a special education program.

EVALUATION -- You have the right to have a full evaluation of your child's individual educational needs.

EXPEDITED HEARING -- Defined as a hearing held in 10 business days, including holidays that fall on business days.

FUNCTIONAL BEHAVIOR ASSESSMENT -- A method of identifying variables that predict and maintain problem behaviors.

INDIVIDUAL EDUCATION PROGRAM (IEP) TEAM -- A group of individuals that have knowledge regarding the education of the student. The team must include the following: the parents; at least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment); at least one special education teacher, a representative from the local education agency; an individual who can interpret the instructional implications of evaluation results; any related service personnel, as appropriate; other individuals who have knowledge of special expertise regarding the student; if appropriate, the student; and, if transition is being discussed, any agency participants that are likely to be responsible for providing and or paying for transition services.

NOTICE -- Before your child is evaluated or placed into an special education program, you have the right to be notified of what the school district plans to do.

LEAST RESTRICTIVE ENVIRONMENT -- You have the right to have your child educated with non-disabled children to the maximum extent appropriate.

MANIFESTATION DETERMINATION -- The IEP team, including a school psychologist, will determine whether the behavior (s) that the child has exhibited is related to the student's disability or is non-related to the disability.

MEDIATION -- Mediation is an optional process offered to parents and schools/agencies. It is a way to resolve disagreements about identification, evaluation, individual educational plan, or placement of a student with disabilities. A mediator, an impartial third party, helps parents and educational representatives consider alternatives to the dispute. The mediator does not make decisions. It is possible that the mediator, through his/her experience, may generate suggestions and alternatives for both parties to consider; but unless they agree on these suggestions, the mediator will not push for their acceptance.

RECORDS -- You have the right to know what records are kept on your child and the right to see them. You may obtain copies of the records at a reasonable cost.

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